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IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT (PA)

IN RE: LORA, et al. v. BAYLOR, et al. #1:20-cv-1787
THIRD Circuit Court #20-3297 (on REMAND)
- JULY TERM DEMAND BY PLAINTIFFS -

'AMENDED COMPLAINT'

FILED
SCRANTON

JAN 07 2022

JURISDICTIONAL AMOUNT VALUE:

PER [Signature]
DEPUTY CLERK

(1) This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States. The Court has jurisdiction under 28 U.S.C. Section 1331 and 1343(2)(B). Plaintiffs seek declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiffs' claims for relief are authorized in the 3rd Circuit sister court U.S.C.A. (for the 9th Circuit is "OVIATT BY AND THROUGH WATKIN V. PEARCE, 954 F.2d 1470, 1475, 1478, and 1481 (1992) - PRECEDENT"...

(2) The U.S. D.C. - Middle District (PA) is an appropriate venue under 28 U.S.C. Section 1391(b)(2) because it is where the events giving

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rise to this claim occurred.

PLAINTIFFS:

- (3) Plaintiffs in LORA, et al. is and was at all times mentioned herein; (ALL PLAINTIFFS); were prisoners of the state of PA in the custody of (MCCF) Monroe County Correctional Facility. ALFORD (FILLER FOR THE CLASS) is currently confined at SCI PHOENIX, some plaintiffs are still confined at MCCF, SCI, and a few are at liberty...

Defendants:

- (4) Defendant Lea Baylor is the Director at MCCF in the county of Monroe (PA)... She is legally responsible for the overall operation as Director of MCCF and each institution under its jurisdiction including MCCF... And responsible in answering grievances at local level
- (5) Defendant Gary Heide is the Warden at MCCF in the county of Monroe (PA)... He is legally responsible for the overall operation as Warden of MCCF and each institution under its jurisdiction including MCCF... And is responsible for answering grievances at local level

3.

- (b) Defendant SGT. ARMSTRONG is a SGT. at MCF in the Madison County Correctional Facility (PA). He is legally responsible for the overall operation of inmates and each institution under its jurisdiction including 1st level reply to all grievances with Lea Baylor (CA)
- (c) Defendant GEORGE WATSON is the CLERK of Courts @ Madison County Courthouse (PA). He is legally responsible for the overall operation of the court docket sheets/entries and each institution under its jurisdiction including filing all motions and knowing when rights become vested.
- (d) Each defendant is sued individually and in his/her official capacity. At all times mentioned in this complaint, Each Defendant Above Acted Under Color of State Law. And is named (Defendant's Herein) - (All(4)).

FACTS:

- (1) Pursuant to P.A.R.C.P. § 5714 defendants in a criminal proceeding is to be arraigned 10 days after the information is filed (as an example for Alford his information was

a.

filed 6.29.20 so the latest an arraignment could of been conducted was 7.9.20 so under objection the arraignment conducted 9.2.21 was unconstitutional beyond the time requirements. And we sought relief

Pursuant to Pa. R. Crim. P. § 600(b)(1), (b)(2) defendants in a criminal proceeding is to not be in pretrial incarceration in excess of 180 days from the date the complaint was filed (as an example for Heidel he was confined 6.7.20) so the latest a trial could of been conducted was 12.7.20 so under objection the trial conducted 5.10.21 was unconstitutional beyond the time requirements. And sought relief to § 600(b)(2)

(b) Defendants/Plaintiffs filed grievances because state statutes created a liberty interest and thoroughly exhausted when we grieved our confinement citing excessive confinement and false imprisonment to Les Baylor, Sgt Armond, and at the final level with warden Gary Heidel who failed to submit MCF on our complaint and told us to 'seek our legal team' instead of investigating these serious constitutional violations that

6.

Plaintiffs are going months/years without an arraignment or speedy trial from July 9, 2020 until ~~5.10.21~~ when (2022 transfer to NCP (1st Amendment violation transfer) "because we were exercising our constitutional (Federal & State) rights and to redress the deprivation." After thoroughly exhausting @MCEP this truly civil contempt followed, we sought to be labeled as a class because it was over 30 of us inmates/plaintiffs in the same situation of not being arraigned or given trials in a timely ~~and~~ manner. And why bail reform is needed so these dates of release will be on the docket sheet after 10/180 day time periods.

(11) In the states In Gen. State wide Emergency the PA Supreme Court authorized all courts to use ADVANCE Communicational Technology (Act) PA.2 Crim. P. 103 to meet our constitutional requirements as soon as to. Meeting, I.P. address, telephone, etc. because the courts only closed in court appearances (see 230 A-38 105 PA Supreme Court ~~order~~ statewide emergency April 28, 2020 enclosed) and defendants failed to do so.. to meet our constitutional requirements

we Plaintiffs sought relief by writs of

10.

habeas corpus and motion for relief to
 '600(D)(6) to GEORGE WARREN who failed
 to act and ignored our request for relief
 did not file on the docket sheet our
motions for relief as we had ineffective
assistance of counsel. Then to pour salt
 on the wound as they was using the
 pandemic as an excuse but failed to
equally apply the law when they gave
Beers, Coote, Medina Court out of denial
relief (\$11 bail is the pandemic but did
not give to those who were similar
situations, way beyond the fine crime
 requirements (Mol. vs. Yates) without any
trials resulting is excessive confinement for
 July 9, 2020 - July, 2021 when GEORGE WARREN
 is to keep track of all confined and
 their court appearances and GEORGE WARREN
failed to react after thoroughly notified of
 our confinement/complaints

Col. Warren

(12) Attached is the P.A. rules of court that
 must be strictly construed to P.A. court
 §101(A)(5)(C) and 1 P.A.C.S. §1921(a)(b)(1)-(8), and §1928
 (2)(b)(1) / Attached is the case law in
 support of relief and plaintiff must be

to

Abrid -

awarded damages for arraigning me in 85
days (Aford and others) (64 days beyond § 57(A)
 and conducting an entirely trial for me
 in 238 days (Aford & others) 158 days beyond
 'booked' 'without justification', as we clear
false imprisonment established by defendants
 herein and their decision to maintain a
 policy of inaction that admittedly 'did
 not detect missed arraignments and trials'
 was tantamount to an intent to confine
 individuals who had a right to be
 released as 'COCOA, BILLS, MEDICAL CARES'
 who was released in the presence of
excessive confinement and false imprisonment and
 defendants failure to detect prolonged
 incarceration and failing to provide prompt
 trial procedures evidence deliberate
 indifference to our rights thus triggering 1983
liability and any reasonable jurist, as the
 record will reflect, could find our
 established claims for false imprisonment
 because defendants' inactions and defendant
 minimalist approach to jail procedures and
 court procedures defendants failed to provide
 Plaintiffs with the protection that they were
 due contravening U.S. Const. Amend 6, 8, and 14

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And on off by and through Laugh v. Pearce
954 F.2d 1470, 1475, 1478, 1481 (9th Cir. 1992)
 is attached to help this court understand
 our claims as the 3rd Circuit understood
 vacated, and remanded this case for
 further proceedings. EXHIBIT "A" IS OUTLET
 COURT; EXHIBIT "B" IS PAROLE OF COURT;
EXHIBIT "C" IS LEGISLATIVE ORDER THE RULE
 MUST BE CONSIDERED/REMOVED; EXHIBIT "D" IS
 THE PA SUPREME COURT IN GEN. STATE WISE
 EMERGENCY AUTHORITY ALL COURTS TO USE
 (ACT) TO MEET OUR CONSTITUTIONAL REQUIREMENTS;
EXHIBIT "E" IS OUR STATE US/PA CONSTITUTION.

LEGAL CITATIONS:

- (13) THE VIOLATION OF P.A.R. CHARTER § 71(A) and
§ 600(B)(1), (1)(2) and deliberate indifference
 and unjustified incarceration and deliberate
 failing to act after notified of prolonged
 incarceration beyond the time frame
 requirement, failure to equally apply the
 law with the laws mandatory language
 as "SHALL BE CONSIDERED 10 DAYS AFTER
INFORMATION FILED - FOR ARRANGEMENTS / NO
DEFENDANT SHALL BE IN PROTECTIVE INSTRUCTIONS

9.

1d Access of 180 days" and defendants
 policy of inaction, failure to detect or
 investigate after proper grievances filed
 and motions for relief filed violated
 plaintiffs rights and constitutional 6th, 8th,
 and 14th Amendment citing speedy trial,
 cruel and unusual punishment and due
 process/equal protection violations of our
 sacred U.S./PA constitutions because
 state statutes C § 57(A) and § 600(B)(1), (D)(2)
 created a liberty interest and our U.S.
 Supreme Court has recognized that an
 individual has a liberty interest in being
 free from incarceration absent a criminal
 conviction and state statutes are explicitly
 mandatory and "shall" mandates certain
 procedures and we were to be released if
 no arraignment is conducted in 10 days after
 information filed and if no trial is
 conducted in 180 days when the complaint
 is filed and defendants minimalist appeal
 (500 value state case) to jail and court
 procedure they "failed to provide plaintiff
 the protection that they were to do
 Containing U.S. Const. Amend 6, 8, and 14th
 and freedom from incarceration is a vital liberty

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interest for those who have not been criminally convicted. Defendants herein inactions evidence a deliberate indifference to our constitutional rights and order. "Pennsylvania case law, state color or not immunized for their intentional acts to confine without legal authority..." This case is unique and should be a question for the jury and as an all-court we should be awarded damages and attorney fees under 42 U.S.C. 1988 or a multiplier to the lodestar figure to enhance fees to attract competent counsel for the class.

(4) The plaintiffs had no plain, adequate, or complete remedy at law to redress the wrongs described herein. Plaintiffs have been and will continue to be irreparably injured (And a whole lot of other inmates (prisoners)) by the conduct of the defendants who disregards the law, failure to equally apply the law and violate inmates constitutional rights unless this court grants the declaratory relief which Plaintiff seeks. Each defendant herein could if remedied the constitutional violations." But did not.

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PRAISE FOR PLAINTIFFS

(15) Wherefore plaintiffs respectfully pray that this honorable court enter judgment granting plaintiffs:

(2) - A declaration that the acts and omissions described herein violated Plaintiffs rights under the Constitution and laws of the United States.

(b) - Compensatory damages in the amount of \$1000 per day against each defendant jointly and severally to inmates who did beyond the 10 day requirement for arraignments and \$1000 per day against each defendant jointly and severally to inmates who did beyond the 180 days requirement for trials

(c) - Punitive damages in the amount of \$1000 per day against each defendant jointly and severally to inmates who did beyond the 10 day requirement for arraignment and \$1000 per day against each defendant jointly and severally to inmates who did beyond the 180 day requirement for trials

(d) - A jury trial on all issues triable by
jury

(e) - Plaintiff's cost is the suit

(f) - To appoint counsel because there
are over 30 of us who were held in false
imprisonment/excessive confinement by defendants
who failed to act, and for not equally
apply the law for the class

(g) - Label us a class on behalf of
a larger group of people whose rights are
being violated in the same way

(h) - To stop defendants actions to not
act on valid claims, and/or to release
inmates on fire pursuant to the law as
defined @ 57(A), 57(B)(1), (B)(2) and stop
violating inmates rights and stop contravening
our Constitution U.S. A.D. 14...

(i) any additional relief this court deems
just, proper, and equitable as defendant is
OVIATE CONFE EXHIBIT "A" herein.

12.22.21

respectfully submitted
X INMATES @ MCCF

Crossed out
Crossed out 960225
SCLD PHS 511X
1200 NORTON DRIVE
MCCF

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NOTE: I'm unable to obtain other inmates signatures due to my confinement at SCI etc and why counsel who can represent the class better should be appointed. And due to defendants continued interruption because of litigations

Exhausted!

Plaintiffs did filed grievances to MCCF authorities as Les Bagley, Sgt Arnold, and Gordon Haidt etc (see your letter) and failed to get a cognizable claims and we went to the highest level and this court is receipt of all grievances of 30 plus inmates. And plaintiffs liked for relief to exonerate but fail on death row to George Warden

Unfictical

I have read the foregoing complaint, and hereby verify that the matters alleged therein ~~are~~ are true, except to matters alleged as info and belief) and as to those, I believe to be true. I certify under the penalty of perjury that the foregoing is true and correct.

EXECUTED @ CAUSEWAY, PA

12.22.21

Craig Arnold

Craig Arnold

Attorney at Law

Cliff, et al. # 1:20-cv-1787

Proof of Service

I hereby certify that I have on this day served a copy of the following and in the manner indicated below to each of the rules of court.

Service by 1st class mail, Postage Prepaid to:

Gerard Fejer, Esq.
712 Mallon St
Spokane, WA 99201

Certification

I declare under the penalty of perjury that the information herein is true and correct to the best of my knowledge and beliefs.

By: Craig Clifford
Craig Clifford
12.27.21

Smart Communications/PADOC

SCI- PHOTOLIX

Name CHARLIE A. ADEL

Number 90225

PO Box 33028

St Petersburg FL 33733

LEGAL MAIL ADDY

1200 NEW YORK DRIVE

CONVENT VILLAGE PA 19426

PA DEPARTMENT OF

CORRECTIONS

INMATE MAIL

neopost

12/30/2021

US POSTAGE \$002.36



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United States District Court
MIDDLE DISTRICT
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JAN 9 7 2022

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